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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the Application of: **Yoshiharu KURODA et al.**

Group Art Unit: 2626

Serial No.: 08/942,415

Examiner: **M. Wallerson**

Filed: **October 16, 1997**

Confirmation No.: 8097

For: **IMAGE RECORDING DEVICE**

Attorney Docket No.: 971154

Customer Number: 38834

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REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the Examiner's Answer dated April 15, 2004, the following is the Appellants' Reply Brief.

In response to Appellants' argument that Kitazawa fails to disclose a multi-purpose tray formed on an upper surface of the base, since Kitazawa explicitly discloses that the manual feeding tray 25 is provided at the right side of the body 21 and not on an upper surface of body 21, "the Examiner agrees that *Kitazawa* does not disclose that the tray (25) is on the upper surface of the body 21."¹

¹ Please see, lines 14 – 15, page 8 of the Examiner's Answer.

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Instead, the Examiner asserts that “the multi-purpose tray 25 is located on the upper surface of part 17b in figure 1,”² or “on an upper surface of the base of body 21, which reads on the upper surface of part 17b,”³ (emphasis in the original).

However, it is respectfully submitted that part 17b (upper cassette feeder) of Kitazawa does not constitute or fairly suggest *a base having an upper surface*. Moreover, it is respectfully submitted that manual feeding tray 25 is not even located on the upper surface of part 17b, as asserted by the Examiner. That is, in Figs. 1 – 3 of Kitazawa, the bottom of the manual feeding tray 25 is position above, and not on, the top most part of the upper cassette feeder 17b. In other words, a vertical distance separates the bottom of the manual feeding tray 25 from the top most part of the upper cassette feeder 17b. Therefore, clearly the manual feeding tray 25 of Kitazawa is not formed on the upper surface of a base or the upper cassette feeder 17b.

This is in complete contrast to the present invention, for example, as shown in Fig. 1 wherein the multipurpose tray 6 is formed on the upper surface 1d of the base 1c of the main body 1.

In other words, Kitazawa fails to disclose or fairly suggest the features concerning *a main body including: ... a base having an upper surface; and a multi-purpose tray formed on said upper surface of said base and below the document sheet outlet tray for holding recording*

² Please see, line 17, page 8 of the Examiner's Answer.

³ Please see, lines 6 - 7, page 9 of the Examiner's Answer

sheets, wherein a user loads said recording sheets directly onto said multi-purpose tray, as set forth in each of the independent claims 1 and 6.

Furthermore, with regard to Appellants' position that each of the references fail to teach or fairly suggest the additional feature of claims 1 and 6 regarding *the multi-purpose tray being confined within the width of the image recording device*, the Examiner provides the following rebuttal:

The Examiner also disagrees with Applicant's argument that the cited references do not disclose the multi-purpose being confined within the width of the image recording device. The Examiner interprets *Kitazawa* in the following manner: The side that faces the operator (the side that includes cassettes 19a-d, would be the length of the copier. The sides that include the tray 25 and the tray 27 would be the width of the copier. If the operator is facing the side of the copier that includes the tray 25 or the tray 27 he or she would be facing the width of the copier. Accordingly, as seen in Figures 1 and 3, the multi-purpose tray (25) is certainly confined within the width of the image recording device.⁴

However, it is respectfully submitted that the Examiner's above interpretation of the claimed term "*the multi-purpose tray being confined within the width of the image recording device*" is clearly inconsistent with the specification. Moreover, it is submitted that the claimed feature regarding "*the multi-purpose tray being confined within the width of the image recording device,*" must be given its broadest reasonable interpretation consistent with the specification. >*In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000).

⁴ Please see, lines

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That is, the Examiner interprets this claimed feature to mean that the multi-purpose tray 6 is confined to the longitudinal sides of the device main body 1, however, the present specification makes absolute no reference or suggestion to the multi-purpose tray 6 or the other trays 3, 4, and 5 being confined to the longitudinal sides of the device main body.

Instead, the present specification provides abundant support (please see, line 20, page 1 – line 4, page 2; lines 22-27, page 2; lines 21-24, page 5; lines 1-6, page 6; lines 6-13, page 12; and lines 12-15, page 4) and makes clear that the gist of present claimed invention is concerned with the trays 3, 4 and 5 and the multi-purpose tray 6 not projecting from the lateral sides of the device to thereby save space.

More specifically, the present specification calls for:

Each of the trays 3, 4 and 5 also extends in the width direction of the device and are substantially confined in the width of the device main body 1. ... Since the trays 3, 4 and 5 do not project substantially from the side of the device main body 1, this device can save the space.⁵

Furthermore, an arrangement where the trays do not project from the lateral sides of the device can be maintained whereby a space required for the image recording device is reduced.

Yet further, the multi-purpose tray does not project from the lateral sides of the device, either. Consequently, there is no necessity to secure a space for the multi-purpose tray 6 on the lateral side of the device.⁶

Accordingly, it is respectfully submitted that the Examiner's interpretation that "*the multi-purpose tray being confined within the width of the image recording device,*" confines the

⁵ Please see, lines 1-6, page 6 of the present specification.

⁶ Please see, lines 6-12, page 12 of the present specification.

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multi-purpose tray 6 to the longitudinal sides of the device main body 1 is unreasonable and is clearly inconsistent with the present specification disclosure concerning the multi-purpose tray 6 not projecting from the lateral sides of the device to save space.

Thus, it is respectfully submitted that none of the applied references of Kojima, Ono and Kitazawa disclose this feature of claims 1 and 6 concerning *the multi-purpose tray being confined within the width of the image recording device*.

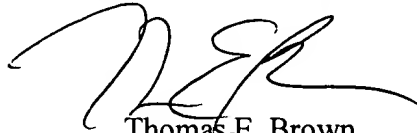
Thus, even if, arguendo, the teachings of Kojima, Ono and Kitazawa be combined in the manner suggested by the Examiner, such combined teachings would still fall far short in fully meeting the applicants' claimed invention. As such, a person of ordinary skill in the art would not have found the applicants' claimed invention obvious under 35 U.S.C. ' 103(a) based on Kojima, Ono or Kitazawa, singly or in combination.

Thus, it is respectfully asserted that the prior art fails to teach or suggest recitations of claims 1 – 13 and requested that the Examiner allow these claims, along with the entire application, to issue. Accordingly, withdrawal of the rejections of claim 1 – 13, under 35 U.S.C. §103(a) is respectfully solicited.

In the event this paper is timely not filed, Appellants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to Deposit Account No. 50-2866, along with any other additional fees which may be required with respect to this paper.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'TEB', is written over the printed name of Thomas E. Brown.

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